

### **REMARKS/ARGUMENTS**

The Office Action of May 26, 2010, has been carefully reviewed and these remarks are responsive thereto. Claims 1, 2, 5-8, 10, 12, 13, 16-21, 23-26, 28, 30, 33-35, 42-45, 47-51, 55, 56, 58, 59, and 61 have been amended, and no claims have been canceled, added, or withdrawn. Claims 1-8, 10-30, 32-37, 42-56, and 58-61 remain pending in this application. Reconsideration and allowance of the instant application are respectfully requested.

#### ***Rejections Under 35 U.S.C. § 103***

Claims 1-8, 10-12, 17-18, 28, 30, 32, 35-37, 42-51, 54-56 and 58-61 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Pat. No. 5,371,734, hereinafter Fischer, in view of U.S. Pat. Pub. No. 2004/0120279, hereinafter Huckin. Claims 13-16, 19-27, 29, 33-34 and 52-53 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Pat. No. 5,371,734, hereinafter Fischer, in view of allegedly well-known prior art (MPEP 2144.03). Applicant respectfully traverses.

Fischer and its associated defects have been discussed *ad nauseum* in previous correspondence. The present Office Action now includes an additional reference, Huckin, in an attempt to cure the previously discussed deficiencies of Fischer. However, contrary to the allegations in the Office Action, Huckin does not cure the deficiencies of Fischer. As previously discussed, Fischer is directed to a frame-based technology, while the subject matter of the present invention is burst-based technology. While the two technologies may be usable together in limited circumstances, they are disparate technologies used for different purposes. Stated differently, even if frames or time-slices are used during a burst, each burst is still distinct from and dependent on different standards than the time-slices it contains.

In addition, the present invention is directed to unidirectional broadcasting, while Fischer is directed to two-way communications. The present invention utilizes a descriptor, which is a part of a broadcasting standard, whereas Fischer merely describes a more generic definition of "control information," which does not have a comparable technical effect in the field of broadcasting. As a result, Fischer does not describe "digital broadband broadcast transmission" and also does not describe "providing a *descriptor* configured to identify ... additional information stored in at

least one of a network information table, program map table and IP/MAC notification table,” as claimed.

Huckin does not cure this defect. Huckin instead describes, at paragraph 25, “According to an embodiment of the invention, the access point is designed to store both the IP and MAC addresses of a target station. The target station may send a set-up notification for such an association, as part of a transaction with the access point, as shown in FIG. 3.” This is not the same as the claimed “providing a descriptor configured to identify at least one of said bursts and further configured to identify additional information stored in at least one of a network information table, program map table and IP/MAC notification table.”

In addition to Huckin not describing an IP/MAC notification table, or even a descriptor for use with an IP/MAC notification table, Huckin describes bidirectional communication, not the claimed broadcast transmission. Huckin is thus not applicable for use with the claimed subject matter, as it describes a disparate and incompatible technology than that in the present invention.

To further support the above distinctions, Applicants have amended the independent claims to clarify that the descriptor is sent as part of the broadcast stream. Support for the amendment can be found for example in paragraph 28 of the patent application.

In view of the above, no claims are anticipated or obvious in view of Fischer and/or Huckin, and Applicant respectfully requests the rejection be withdrawn.

**CONCLUSION**

All issues having been addressed, Applicant respectfully submits that the instant application is in condition for allowance, and respectfully solicits prompt notification of the same. However, if for any reason the Examiner believes the application is not in condition for allowance or there are any questions, the Examiner is requested to contact the undersigned at (202) 824-3153.

Respectfully submitted,

**BANNER & WITCOFF, LTD.**

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